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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hassan Ahmad &
Ismail Elchagea

Group Art Unit: 1661

Serial No.: 10/662,777

Examiner: McCormick Ewoldt, Susan Beth

Filed: September 15, 2003

Title: Botanical Drug Compositions for Treatments of Liver and Immunological Disorders

Commissioner for Patents
Alexandria, VA 22313

REQUEST FOR RECONSIDERATION

In response to the Dismissal of the Petition for Revival of the above-identified patent application pursuant to 37 CFR 1.137(b) (copy enclosed), Applicant is submitting herewith a check in the amount of \$40 which, in combination with the check for \$770 previously submitted, satisfies the required fee of \$810. Also submitted herewith are two new Change of Correspondence Address/Power of Attorney forms executed by the two inventors.

Adjustment date: 03/05/2010 MGEEREM1
12/22/2009 ABLANCO 00000003 10662777
01 FC:1999 -770.00 OP

03/05/2010 MGEEREM1 00000051 10662777
01 FC:2453 810.00 OP

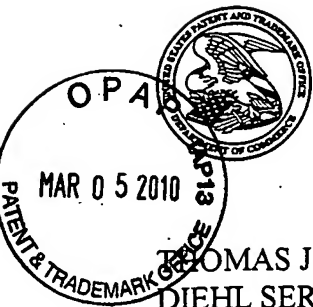
Accordingly, the Petition is now in condition to be considered on the merits.

Dated: March 2, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Germinario', written over a horizontal line.

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OFFICE OF PETITIONS

In re Application of
Hassan AHMAD et al.
Application No. 10/662,777
Filed: September 15, 2003
Attorney Docket No. 2551-1-001

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 22, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Non-Final Office Action mailed on February 21, 2007, which set a statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on May 22, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is \$810. See 37 CFR 1.27.

The petition in the above-identified application was accompanied by payment of \$770 and not accompanied by the required fee of \$810. No consideration on the merits can be given to the petition until the required fee is received. Further, no authorization for charging of the remaining fee was received.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203, Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Tammara Peyton at (571) 272-6052 or in his absence to the undersigned at (571) 272-7099.



David A. Bucci
Petitions Examiner
Office of Petitions

Cc:

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